

June 13, 2007

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held June 13, 2007, at 3:00 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Charles "Pete" Southerland, Chairman; Mr. James "Larry" Hall, Vice Chairman; Mr. William J. Blackman and Mr. Danny Holt.

Building Inspection Department staff in attendance was Mr. Tim Tolbert, Building Official; Mrs. Rhonda Royals, Deputy Building Official; Mr. Skip Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator; Mr. Bobby Burkett, Compliance Investigator and Mrs. Robyn Leverton, Administrative Assistant I.

Mr. Tom Dannheisser, County Attorney, was present for the meeting.

Mr. Pete Southerland, Chairman, called the meeting to order at 3:00 p.m.

A court reporter from Anchor Court Reporting (432.2511), in Pensacola, was present for the Danforth "Formal Hearing" portion of these minutes only.

**Approval of Agenda:**

There were no amendments to the agenda. Mr. Holt made a motion to accept the agenda. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

**Approval of Minutes:**

Mr. Blackman made a motion to approve the minutes from the May 9, 2007 meeting. Mr. Holt seconded the motion. The motion carried with a unanimous vote.

**Next Meeting:**

The next regularly scheduled meeting is Wednesday, July 11, 2007, at 3:00 p.m. in the Building Inspection Department Conference Room.

**Old Business (Formal Hearing)**

**David & Melanie Thompson vs. Daniel E. Danforth d/b/a Dan Danforth Construction**

This is a disciplinary formal hearing regarding Daniel E Danforth license #CRC1328300. The amended charges are as follows:

David and Melanie Thompson allege that Mr. Danforth has violated the Building code by failing to install roof shingles according to the manufacturer's specifications at a home they own at 1294 Greenview Lane, Gulf Breeze FL 32563. The amended charges include the results of an inspection conducted on Apr 17, 2007 which indicated that the code violations exist throughout the roofing system.

Alleged Violation of Ordinance 2002-06:

1. Section 16, para 1 (d)-Willful or deliberate disregard and violation of the applicable building codes or laws of the state or any municipalities or counties thereof.

Alleged Violation of the Florida Building Code:

1. Section 1507.2 Roof covering application. Roof coverings shall be applied in accordance with the applicable provisions of Section 1507 and the manufacturer's installation instructions.

- a. Fasteners installed above the nail line.
- b. Fasteners overdriven into shingles.

Randy Jones was sworn in and gave the Board a brief update of the case.

The original permit was applied for March 2005. The first inspection was requested June 2005; that inspection failed. The failed code used indicated the inspector wanted someone to call him. There is no correction notice for that and the inspector doesn't remember what the issue was. A subsequent inspection was requested October 2005; that inspection was failed for no address or permit number posted so; presumably it was failed because the inspector couldn't find the property. We were requested to come again in January 2006; that inspection failed for multiple discrepancies. The discrepancies were: not being nailed according to manufacturer's instructions, nailed to high and some shingles shot to deep.

In approximately September 2006, the Thompsons contacted in an attempt to get the other permits finalized. The open roof permit was causing a problem; we worked with them to get other permits finalized. Mr. Danforth was contacted at that time regarding the problems and we thought everything had been taken care of because we didn't hear anything. His reply was that he requested the final inspection, but he never followed up to verify that it had passed.

Several months after that, he met with Mr. Thompson to look at the roof. On the south side he found significant problems; the shingles being improperly nailed (primarily too high above the 2-ply area). He looked at shingles on the remaining sides of the hip roof and at that time found no other problems. He went back again after the testimony given at a BOAA meeting indicated there were additional problems. He met with Mr. Thompson and Jimmy Jones, another roofing contractor, and did find problems. So now we aren't dealing with only the one side, but with the entire roof.

Randy said that it was his understanding that Mr. Danforth has always been willing to replace the south side; the initial side that was found, but now we've noted problems with the rest of the roof. We need to determine what an appropriate repair is and how extensive the repair should be. One suggestion is to break the seal on the shingles, add the fasteners in the correct location and hand seal the shingles. However, information received indicates that if that repair is completed, the manufacturer will not provide a wind warranty because they won't be here to know that every seal that's broken will be hand sealed again. He said the Building Department will accept minimum code. Properly fastened shingles would meet minimum code.

Jimmy Jones, owner of Jones Roofing, was sworn in and gave testimony as to his findings and expertise. Per the manufacturer, if the roof is left as is, the manufacturer will provide a warranty, however it won't pass code. If the repairs are made, it will pass code, but will have no wind warranty. He says the entire roof needs addressing and the best fix is to replace all the shingles.

David & Melanie Thompson, owners of 1249 Greenview Ln, were sworn in. They had questions concerning the information that was passed out by Mr. Danforth's attorney prior to the meeting. They want to know when the engineer inspected the roof (an engineers report of the roof was provided). To their knowledge, no one has been on the roof for this inspection. They haven't heard from Mr. Danforth and there has been no remedial action from him. Mrs. Thompson wanted to clear up the fact that the manufacturer never said the warranty would be honored if the shingles were installed improperly.

George Meade, attorney for Mr. Danforth, addressed the Board. He reviewed the engineer's report, passed out prior to the meeting. It includes the following: the manufacturer's requirements for installation, the ASTM standard for the shingles per manufacturer's designation, the manufacturer's certification as to the status of the warranty on the existing roof as well as warranty for reroof of any surface of that roof, a description of materials used, a composite of storm related data, a portion of FL Building code with regard to affidavits from an engineer as to the conformity to the technical codes, a portion of the 2004 Building code regarding asphalt shingle roofing, and a selection of statements from independent roofers including Mr. Guy, Mr. Wright and Mr. Cushing, both post Ivan pre reroofing photos and pre-Dennis and those taken post Dennis. The last item is the Better Business Bureau's statement that case was closed after making a good-faith effort at a resolution, but the Thompson's refused to be satisfied.

Mr. Meade discussed the significance of Mr. White's affidavit. He said that his opinion states that the roof shingles meet or exceed the requirements of the 2004 Building Code and SRC requirement. He continued with a more in-depth discussion of each section of the report with the Board asking questions.

Mr. Guy and Mr. Wright were sworn in and questioned by Mr. Meade. They are both roofers in the local area. Mr. Guy had been called by Mr. Danforth to provide an estimate for the roof at 1249 Greenview Ln. Mr. Guy said he lifted no shingles because it would damage the roof therefore he cannot acknowledge any high nailing, but he later, when asked by Mr. Meade, said that he provided a letter to Mr. Danforth stating that he did lift shingles and did see some high nailing. When asked later by Mr. Southerland, he, once again, said that he didn't pick up any tabs. Mr. Southerland asked about the letter he provided to Mr. Danforth and Mr. Guy said he only picked up the bottom edges of the roof.

Mr. Wright had been called to replace the drip edge on front of house and to look at the ridge vents; the vents appeared, upon a close inspection, to be fine. He also had the opportunity to look at the nailing patterns on the shingles and said they appeared to meet the nailing requirements.

Mr. Hall stated that the engineer's report doesn't note the date he examined the roof and it never substantiates the fact as to whether or not the roof meets our code.

Tim Tolbert said the code states that the shingles shall be installed per the manufacturer's installation instructions. He said we have no choice, when the instructions say to install like this, we have to enforce that. If there is an alternate method presented to us, we will look at it, but that method has to be equal to or greater than the code requirement. Tim said he can accept an affidavit from an engineer if it meets code, but in the affidavit that Mr. Meade provided, there is no reference to the placement of the nails or the nails that are driven too deep. He said this is not a preference issue but a prescriptive specific issue.

A discussion ensued amongst the Board, Mr. Tolbert and Mr. Meade.

A discussion ensued amongst the Board and Mr. Jimmy Jones. Mr. Meade questioned Mr. Jones.

A break was taken from 4:40-4:47.

Mr. Meade questioned Tim and Randy again.

A break was requested by Mr. Meade from 4:55-5:00.

Mr. Danforth was sworn in and questioned by the Board. The Board asked if the contractor was willing to replace the roof. Mr. Danforth said he would stand by his offer to replace the south side, but provided the engineer's affidavit saying there wasn't a problem with the remainder of the roof.

**The Board voted three (3) to one (1) guilty of the violation, with Mr. Holt opposing.**

**Mr. Blackman made a motion to suspend Mr Danforth's ability to pull permits within Santa Rosa County until the Thompson's house passes a final inspection. Mr. Hall seconded the motion. The motion passed with a unanimous vote.**

#### **Old Business (Formal Hearing)**

##### **Santa Rosa County & Steven and Karen Breeze vs. Jeff Milowitz d/b/a Emerald Coast Construction**

Rhonda Royals introduced the case and read to the Board the email, from Karen Breeze, which they received copies of prior to the meeting.

Randy gave an update to the Board regarding the case. As of today, the building permit has been issued, the electrical permit has been issued and passed, but there is no gas permit yet. The contract for this job was signed in June 2006, it was brought to our attention in January 2007 and a permit was issued in February 2007.

Chris Varner, attorney for Jeff Milowitz, addressed the Board. He discussed the penalty received in Okaloosa County, i.e., probation and extra C.E.U's required. He said that Mr. Milowitz now knows he needs to obtain permits for nearly everything he does and he needs to have licensed trades working on the site.

**Mr. Hall made a motion to place Jeff Milowitz on one (1) years probation if his projects are cleaned up with no further complaints. Mr. Blackman seconded the motion. The motion passed with a unanimous vote.**

**Mr. Blackman made a motion to adjourn the meeting. Mr. Holt seconded the motion. The motion carried with a unanimous vote.**

The meeting was adjourned at 5:45 p.m.